

## Message Text

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PAGE 01 PRAGUE 00581 201525 Z

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ACTION L-03

INFO OCT-01 EUR-25 ADP-00 SCA-01 CIAE-00 INR-09 NSAE-00

RSC-01 INRE-00 M-03 A-01 SS-14 RSR-01 /059 W

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FM AMEMBASSY PRAGUE

TO SECSTATE WASHDC PRIORITY 4035

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E. O. 11652: N/ A

TAGS: CGEN PFOR CZ

SUBJECT: CONSULAR CONVENTION NEGOTIATIONS

REF: ( A) PRAGUE 0541; ( B) STATE 42065

1. BEGIN SUMMARY. DURING SECOND EXPERT- LEVEL DISCUSSIONS ON US- CSSR CONSULAR CONVENTION MARCH 19, CZECHS AGREED IN PRINCIPLE WITH US PROPOSALS ON NOTIFICATION AND ACCESS BUT PROPOSED THREE DAYS RATHER THAN TWO FOR NOTIFICATION. CZECHS ALSO PROPOSED COMPROMISES TO RESOLVE OUTSTANDING QUESTIONS ON INVIOABILITY OF RESIDENCES OF CONSULAR OFFICERS AND EMPLOYEES AND ON IMMUNITY OF CONSULAR OFFICERS PERFORMING ESTATE FUNCTIONS. END SUMMARY.

2. FRIENDLY AND INFORMAL ATMOSPHERE OF INITIAL MEETING CONTINUED AT SECOND SESSION OF DISCUSSIONS. BOTH SIDES REVIEWED ARTICLES UNRESOLVED FROM PREVIOUS SESSION AND DISCUSSED COMPROMISE SOLUTIONS.

3. CZECHS PROPOSED THAT ARTICLE 14 PROVIDE THAT CONSULAR PREMISES AND RESIDENCE OF HEAD OF CONSULATE BE ABSOLUTELY INVIOABLE AND THAT RESIDENCES OF CONSULAR OFFICERS AND EMPLOYEES BE INVIOABLE WITH CONSENT TO ENTER ASSUMED IN CASE OF FIRE OR OTHER DISASTER, USING LANGUAGE OF FINAL SENTENCE OF PARAGRAPH 2 OF ARTICLE 31 OF VIENNA CONSULAR CONVENTION. WE AGREED TO CONSIDER PROPOSAL.

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PAGE 02 PRAGUE 00581 201525 Z

4. CZECHS SAID THEY HAD DISCUSSED US PROPOSAL ON ARTICLE 25 INFORMALLY WITH CSSR CUSTOMS OFFICIALS WHO APPARENTLY ARE AGAINST SETTING FORMAL PRECEDENT BY GRANTING PRIVILEGES TO CONSULAR EMPLOYEES BEYOND THOSE ACCORDED TO ADMINISTRATIVE AND TECHNICAL PERSONNEL IN VIENNA CONVENTION ON DIPLOMATIC RELATIONS. THEY MIGHT, HOWEVER, AGREE TO GRANTING RIGHT INFORMALLY AS IS DONE WITH ADMINISTRATIVE AND TECHNICAL PERSONNEL ASSIGNED TO EMBASSY. WE CONTINUE TO BELIEVE THAT FORMAL AGREEMENT WOULD BE DESIRABLE, PARTICULARLY IF US CONSULATE IN BRATISLAVA WERE TO BE RE- OPENED. US STAFF PERSONNEL ASSIGNED THERE WOULD PRESUMABLY MAKE FREQUENT TRIPS BY CAR TO VIENNA TO BUY ITEMS NOT OBTAINABLE IN CSSR. EXPLICIT RIGHT TO CONTINUING DUTY- FREE ENTRY WOULD AVOID COMPLICATED ARRANGEMENTS TO IMPORT GOODS IN NAME OF ELIGIBLE OFFICER. WE WOULD APPRECIATE DEPARTMENT' S COMMENTS ON CUSTOMS PROCEDURES IN US AND WHETHER AND IN WHAT WAY INFORMAL ARRANGEMENT COULD BE EFFECTED.

5. BOTH SIDES PRESENTED LANGUAGE OF PARAGRAPH 4 OF ARTICLE 10 OF US- SOVIET CONVENTION AS POSSIBLE RESOLUTION OF QUESTION OF IMMUNITY OF CONSULAR OFFICERS EXERCISING ESTATE FUNCTIONS UNDER CSSR DRAFT ARTICLE 34. CZECHS SAID THEY WOULD ACCEPT ADDITIONS PROPOSED IN PARAGRAPH 15 OF REFTEL A. ARTICLE 34 AS WELL AS ARTICLES 7, 10 AND 17 WERE LEFT OPEN PENDING RECEIPT OF DEPARTMENT' S COMMENTS.

6. CZECHS AGREE IN PRINCIPLE TO US DRAFT ARTICLE III AS SUBSTITUTE FOR THEIR ARTICLE 36 WITH EXCEPTION OF TIME LIMITS FOR NOTIFICATION AND ACCESS AND SEVERAL LESS SIGNIFICANT QUESTIONS TO BE DISCUSSED LATER. THEY SPECIFICALLY ACCEPTED US DEFINITION OF CONDITIONS UNDER WHICH NATIONALS WOULD BE COVERED BY ARTICLE 36. AFTER A DISCUSSION OF PROVISIONS OF EXISTING CSSR AND US CONSULAR CONVENTIONS WITH WESTERN AND EASTERN EUROPEAN COUNTRIES, CZECHS SAID THAT THEY COULD AGREE TO THREE DAYS FOR NOTIFICATION AND FOUR DAYS FOR ACCESS. WE BELIEVE THAT CZECH OFFER OF THREE AND FOUR DAYS TO BE SIGNIFICANT CONCESSION ON THEIR PART IN VIEW OF PROVISIONS IN CSSR CONVENTIONS WITH UK (3-4 DAYS AND 7 DAYS) AND FRANCE (10 DAYS AND 15 DAYS). WE INTEND TO CONTINUE TO PRESS LIMITED OFFICIAL USE

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PAGE 03 PRAGUE 00581 201525 Z

FOR TWO- DAY NOTIFICATION TIME AND BELIEVE IT POSSIBLE THAT

CZECHS WILL AGREE. WE WOULD, HOWEVER, APPRECIATE DEPARTMENT'S COMMENTS ON ACCEPTABILITY OF THREE- DAY NOTIFICATION TIME. CZECHS SAID THAT THEY WOULD INVITE OFFICIAL FROM MINISTRY OF JUSTICE TO ATTEND NEXT MEETING TO DISCUSS SPECIFIC PROCEDURES ON NOTIFICATION AND ACCESS AND OTHER SPECIFIC BUT MINOR CHANGES TO ARTICLE 36.

7. ON GENERAL QUESTION OF TIMING, WE ESTIMATE THAT ALL OUTSTANDING ISSUES COULD BE RESOLVED IN TWO OR THREE MORE EXPERT- LEVEL SESSIONS AND THAT AGREEMENT ON TEXT COULD BE REACHED DURING ONE OR TWO FINAL SESSIONS WITH DEPARTMENT LEGAL OFFICER PRESENT. WE BELIEVE IT WOULD BE ADVANTAGEOUS TO MOVE AS RAPIDLY AS POSSIBLE TO AGREEMENT ON TEXT OF CONVENTION TO TAKE ADVANTAGE PRESENT ATMOSPHERE AND SENSE OF PROGRESS. FOR THIS REASON WE REQUEST THAT DEPARTMENT SEND CHANGES MENTIONED IN PARAGRAPH 15 OF REFTEL B SO THAT CZECHS CAN HAVE TIME TO CONSIDER THEM BEFORE ARRIVAL OF DEPARTMENT OFFICER.

8. DATE OF NEXT MEETING TO BE SET BY EMBASSY UPON RECEIPT OF DEPARTMENT'S COMMENTS ON RECOMMENDATIONS MADE IN THIS MESSAGE AND IN REFTEL A.  
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